



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 2/10/2021

ORM Number: SWF-2020-00476

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Forney County/Parish/Borough: Kaufman

Center Coordinates of Review Area: Latitude 32.734025° Longitude -96.398290°

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWF-2020-00476-1 (S-1)	120	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that the water feature (S-1) begins on-site as a vegetated swale and alternates between an erosional feature/gully with a defined bed and bank and swale features that does not exhibit an ordinary high-water mark or defined bed and bank. The lack of consistent stream characteristics indicate that S-1 flows only in direct response to a precipitation event and does not support sustained flows for any duration after the precipitation event has ended. The drainage area is less than 50 acres. See sections IIIB and IIIC for typical year assessment and additional details to support our determination. Thus, the Corps has determined that the stream meets the criteria of a (b)(3) excluded water feature.
SWF-2020-00476-2 (P-1)	0.39	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Project information provided by the consultant, USACE site visit, and other supporting data indicate that P-1 was constructed within a vegetated swale (i.e., a defined channel, bed, or bank and ordinary high-water mark was not observed). The Corps has determined that the pond meets the criteria of a (b)(8) excluded water feature. The drainage area is less than 50 acres.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Environmental Report Forney Tract D, Kaufman County, Texas, 2020-11-02, submitted by BGE, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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- ☒ Photographs: Aerial and Other: Imagery from Google Earth, HistoricAerials.com, and Digital Globe – all available years; photographs provided by the consultant (2020-11-02, 2020-12-08) and USACE site visit, mapped photo log (enclosed).
- ☒ Corps site visit(s) conducted on: 2021-01-06
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).
- ☒ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☐ USDA NRCS Soil Survey: Title(s) and/or date(s).
- ☒ USFWS NWI maps: ESRI managed imagery, SWF Regulatory Viewer, 2021-02-10
- ☒ USGS topographic maps: Forney South, TX - 1:24,000

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset, SWF Regulatory Viewer, 2021-02-10
USDA Sources	N/A.
NOAA Sources	Record of Climatological Observations: 12/2020, 01/2021
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Location and topographic maps provided by the consultant

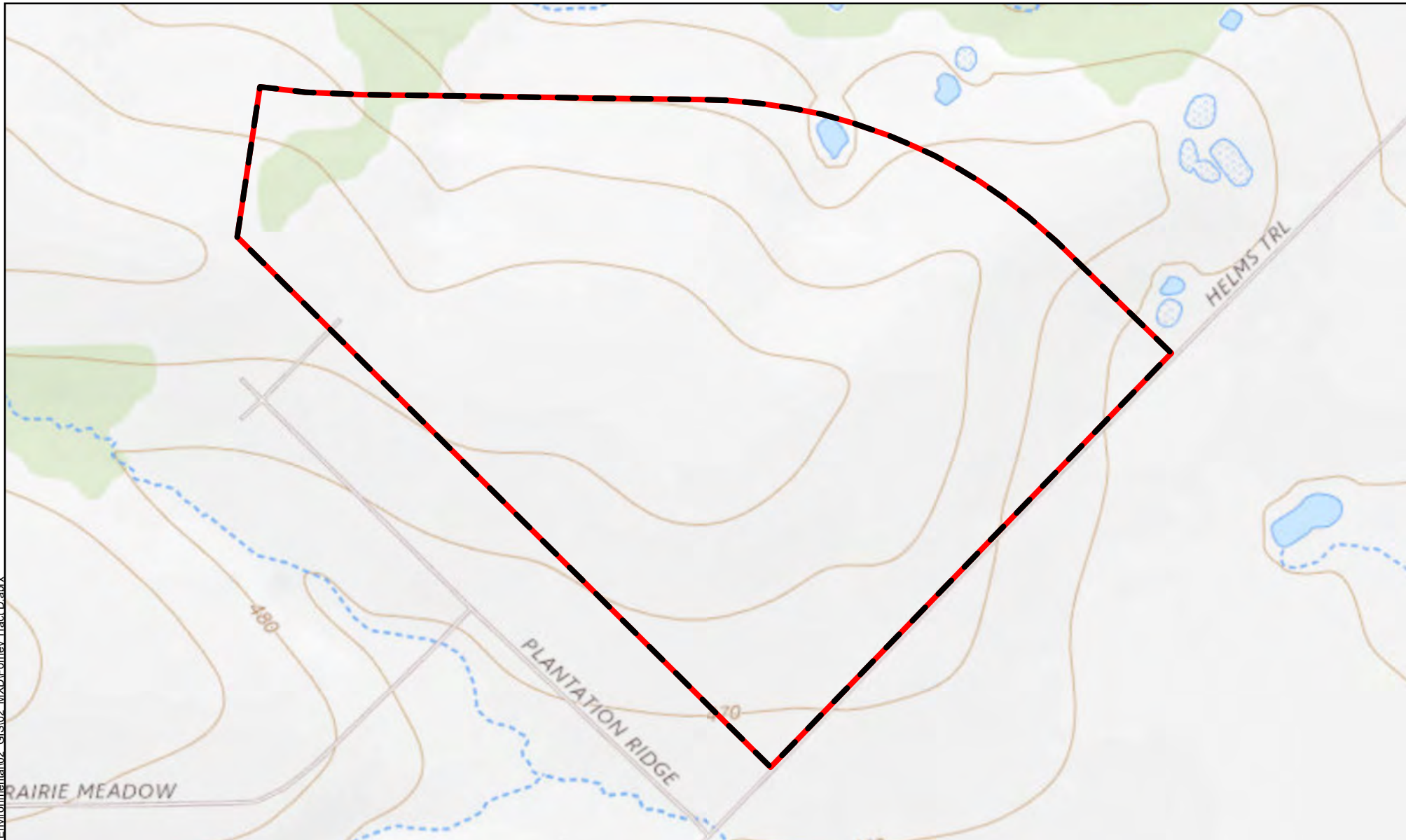
B. Typical year assessment(s): Typical year assessment was made by using APT for the date of the Corps' site visit, 2021-01-06, conditions were normal during the wet season. A combined 4.55 inches of precipitation was recorded at Terrell 8.2 SSW, approximately 7.8 miles from the project site, 5 and 6 days prior to the site visit. Flow of water was not observed. A small amount of pooled water was observed at a single location along S-1 (page 8 of enclosed mapped photolog).

Aerial imagery was evaluated by using available sources and years (e.g., Google Earth, HistoricAerials.com, and Digital Globe); however, water was not observed in any of the images evaluated. Note: Portions of S-1 was not visible because of vegetative cover. It is the Corps' determination through an assessment of all available information that flow within S-1 does not occur more than in direct response to precipitation in a typical year and are at present classified as having ephemeral flow.

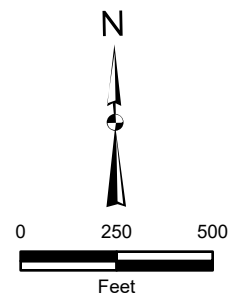
C. Additional comments to support AJD: The assessed ephemeral stream/swale begins on-site and flows north off-site eventually into an unnamed tributary to Big Brushy Creek.

Enclosures: Project Area Map, Water Feature Resource ID Map, Mapped Photo Log, APT (2021-01-06)

Q:\Projects\Environmental\Forney Tract D\04 Environmental\02 GIS\02 MXD\Forney Tract D.aprx



 Study Area



Seefried Industrial Properties



BGE, Inc.
2595 Dallas Parkway, Suite 101, Frisco, TX 75034
Tel: 972-464-4800 Fax: 972-464-4899
www.bgeinc.com





Topographic Map

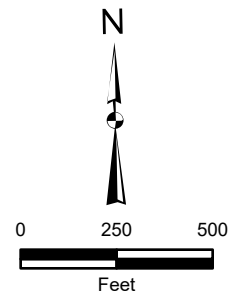
Forney Tract D
Kaufman County, Texas

Date: October 2020 Proj. No: 8111 Figure No: 2

Q:\Projects\Environmental\Forney Tract D\04 Environmental\02 GIS\02 MXD\Forney Tract D.aprx



-  Study Area
-  Mapped Pond
-  Mapped Ephemeral Stream
-  Upland Data Point



Seefried Industrial Properties



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2595 Dallas Parkway, Suite 101, Frisco, TX 75034
Tel: 972-464-4800 Fax: 972-464-4899
www.bgeinc.com

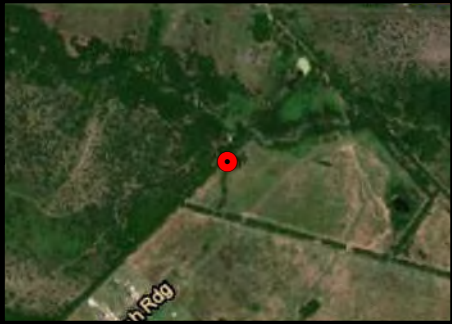
Waters of the U.S. Map

Forney Tract D
Kaufman County, Texas

Date: October 2020 Proj. No: 8111 Figure No: 4



Overview Map



Legend

Photo Location

Field of View



Coordinate System: GCS WGS 1984
Photo Coordinates: -96.400367 32.736008
Upper Left Corner: -96.401685 32.736861
Lower Right Corner: -96.399148 32.735156
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of S-1 at project boundary.

Photographed by bcbartels
on 1/6/2021 at 3:16:44 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

Photo Location

Field of View



Coordinate System: GCS WGS 1984
Photo Coordinates: -96.400336 32.736042
Upper Left Corner: -96.401654 32.736894
Lower Right Corner: -96.399118 32.735189
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

04080160

Feet



Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of S-1 looking upstream.

Photographed by bcbartels
on 1/6/2021 at 3:16:54 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Coordinate System: GCS WGS 1984
Photo Coordinates: -96.400428 32.7359
Upper Left Corner: -96.401646 32.736753
Lower Right Corner: -96.399210 32.735047
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



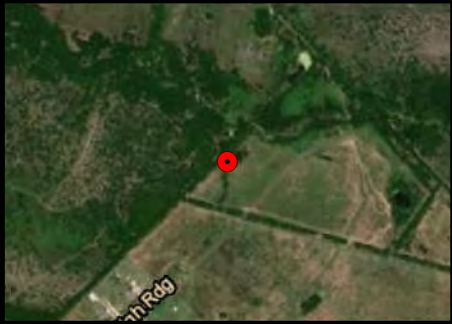
**Mapped Photo Log
for Forney Tract D
SWF-2020-00476**

Description:
Image of S-1 looking upstream.

Photographed by bcbartels
on 1/6/2021 at 3:17:17 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

Photo Location

Field of View

Coordinate System: GCS WGS 1984
Photo Coordinates: -96.400397 32.735934
Upper Left Corner: -96.401615 32.736747
Lower Right Corner: -96.399179 32.735042
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



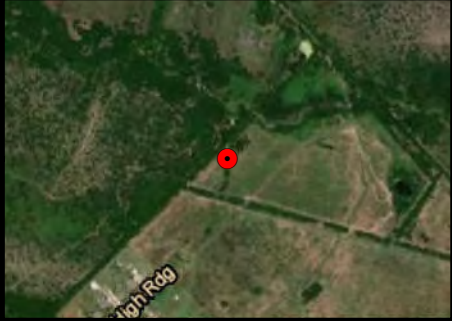
Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of S-1 looking downstream.

Photographed by bcbartels
on 1/6/2021 at 3:17:23 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

Photo Location

Field of View



Coordinate System: GCS WGS 1984
Photo Coordinates: -96.400428 32.735717
Upper Left Corner: -96.401646 32.736569
Lower Right Corner: -96.399210 32.734864
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

04080160

Feet

N

W

E

S



Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of S-1 looking downstream.

Photographed by bcbartels
on 1/6/2021 at 3:17:50 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

Photo Location

Field of View



Coordinate System: GCS WGS 1984
Photo Coordinates: -96.400475 32.735144
Upper Left Corner: -96.401693 32.735997
Lower Right Corner: -96.399257 32.734292
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of S-1 looking upstream.

Photographed by bcbartels
on 1/6/2021 at 3:19:30 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

Photo Location

Field of View



Coordinate System: GCS WGS 1984
Photo Coordinates: -96.400489 32.735114
Upper Left Corner: -96.401707 32.735967
Lower Right Corner: -96.399271 32.734261
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of S-1 looking downstream.

Photographed by bcbartels
on 1/6/2021 at 3:19:38 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984
Photo Coordinates: -96.40055 32.735097
Upper Left Corner: -96.401768 32.735950
Lower Right Corner: -96.399332 32.734245
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of S-1 looking upstream.

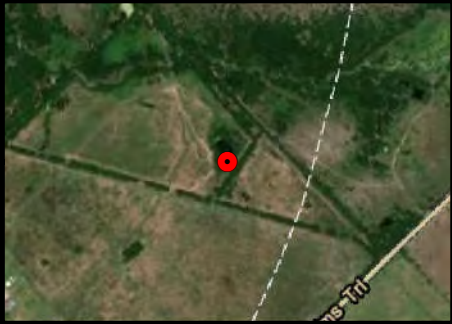
Photographed by bcbartels
on 1/6/2021 at 3:19:52 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters







Overview Map



Legend

Photo Location

Field of View

Coordinate System: GCS WGS 1984
Photo Coordinates: -96.395928 32.734783
Upper Left Corner: -96.397146 32.735636
Lower Right Corner: -96.394710 32.733931
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

04080160

Feet

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W

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S



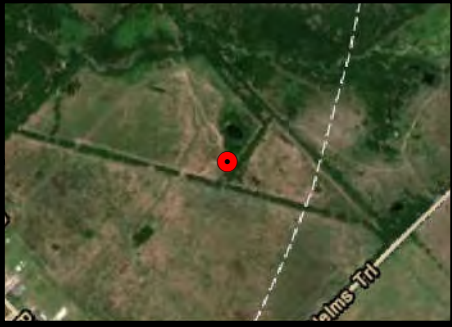
Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of P-1.

Photographed by bcbartels
on 1/6/2021 at 3:34:20 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

Photo Location

Field of View



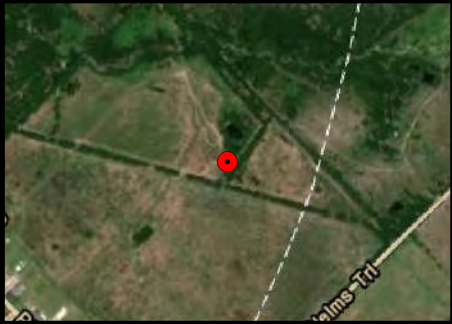
Mapped Photo Log
for Forney Tract D
SWF-2020-00476

Description:
Image of swaled depression that
drains water flows into P-1.

Photographed by bcbartels
on 1/6/2021 at 3:35:25 PM CST
Camera: Apple iPhone 7
Location Source: Camera's internal GPS
Heading Source: Camera's internal compass
Map generated on 2/9/2021 using the
Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

Photo Location

Field of View

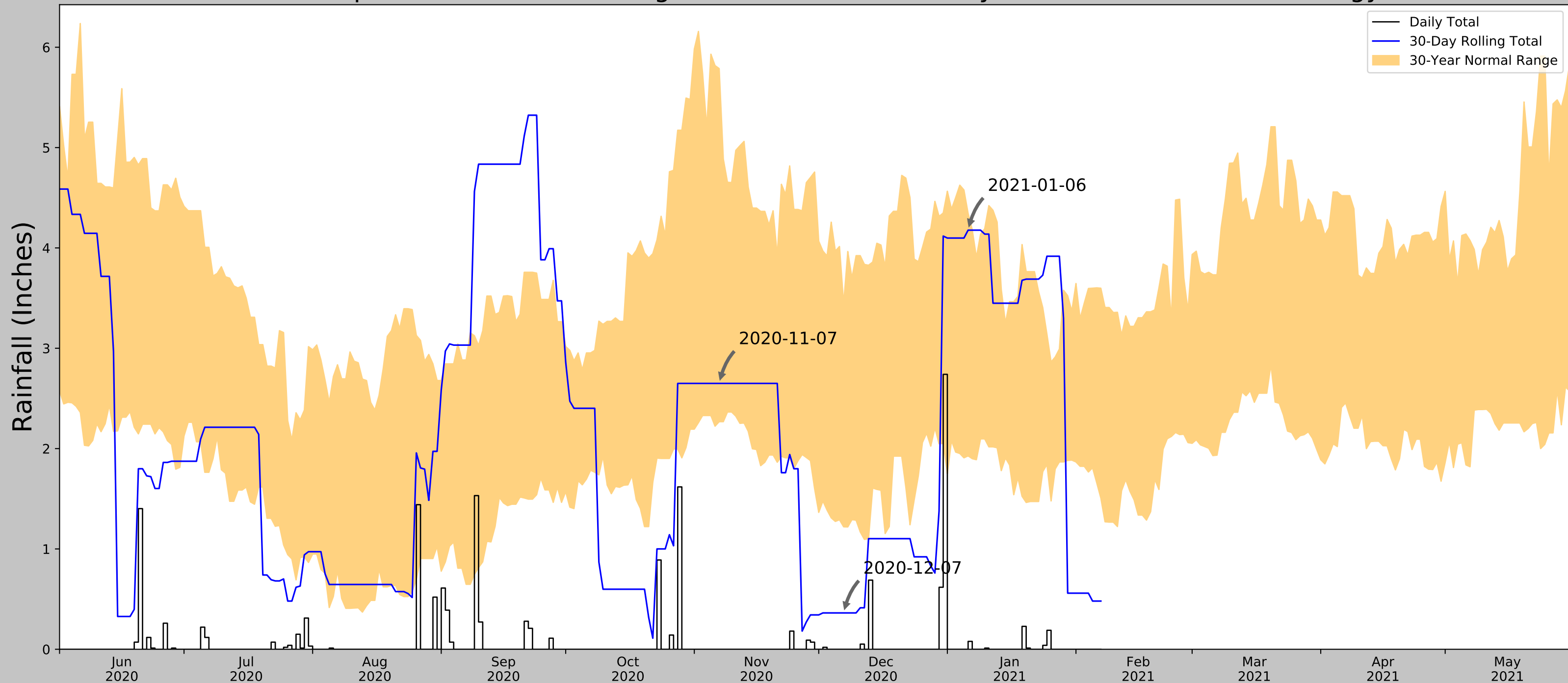
Coordinate System: GCS WGS 1984
Photo Coordinates: -96.396181 32.734456
Upper Left Corner: -96.397399 32.735308
Lower Right Corner: -96.394962 32.733603
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

04080160

Feet

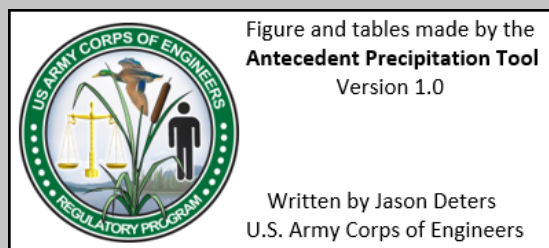
	<div>Mapped Photo Log for Forney Tract D SWF-2020-00476</div> <div>Page 13 of 13</div>	<div>Description:</div> <div>Image of swaled depression that drains water flows into P-1.</div>	<div>Photographed by bcbartels on 1/6/2021 at 3:35:30 PM CST Camera: Apple iPhone 7 Location Source: Camera's internal GPS Heading Source: Camera's internal compass Map generated on 2/9/2021 using the Photo Log Toolbar, written by Jason C. Deters</div>
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Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	32.735569, -96.400461
Observation Date	2021-01-06
Elevation (ft)	468.99
Drought Index (PDSI)	Mild wetness
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-01-06	1.927559	4.344488	4.177165	Normal	2	3	6
2020-12-07	1.220079	3.442126	0.362205	Dry	1	2	2
2020-11-07	2.26811	5.787795	2.649606	Normal	2	1	2
Result							Normal Conditions - 10



Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
TERRELL MUNI AP	32.71, -96.2672	475.066	7.945	6.076	3.624	8191	90
TERRELL 1.8 NW	32.7524, -96.3348	512.139	3.989	43.149	1.967	1	0
TERRELL	32.7336, -96.3225	495.079	4.533	26.089	2.158	3152	0
TERRELL 1.3 NNE	32.7494, -96.2833	538.058	6.876	69.068	3.569	3	0
TERRELL 8.2 SSW	32.6276, -96.3586	429.134	7.847	39.856	3.844	1	0
KAUFMAN 3 SE	32.5589, -96.2725	419.948	14.298	49.042	7.135	5	0